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I shall not attempt to review the proposals for these various classes, as they bear a definite relation to the provisions for capital fighting ships.

With the acceptance of this plan, the burden of meeting the demands of competition in naval armament will be lifted. Enormous sums will be released to aid the progress of civilization. At the same time the proper demands of national defense will be adequately met, and the nations will have ample opportunity during the naval holiday of ten years to consider their future course. Preparation for future naval war shall stop now.

I shall not attempt at this time to take up the other topics which have been listed on the tentative agenda proposed in anticipation of the conference.

THERE CAN BE NO LAWS OF WAR

By JACKSON H. RALSTON

IN CHEMISTRY from time to time we find two vastly different substances which, on analysis, must be described by the same formula. Nevertheless there exists between them subtle but substantial differences defying analysis. Were we to give them the same name because of apparent chemical identity we would be involved in endless confusion and led into impossible situations.

This confusion, avoided by the chemist, exists in the realm of international matters. We speak of international jurisprudence as being divided into the laws of war and the laws of peace. We are deceived by the fact that in each instance custom lies in the background. We find many propositions in both illustrated by treaties and in certain phases, relatively minor as to war, we discover that resort is had to courts of justice which lay down rules of action. Because of these apparent unities we deceive ourselves and use the same word to represent ideas entirely in dissonance. We discover the atomic units by which the chemist refuses to be deceived and we worship names bestowed because of apparent likeness. The life of the spirit is ignored. It is much as if because of resemblances we were to insist that the Cardiff giant and the Frankenstein monster were men.

Law, some writers tell us, is a rule of action laid down by a superior and which the inferior is bound to obey. Sometimes we are told that it commands what is right and prohibits what is wrong. There are legalists who transpose this to mean that what it commands is right and what it prohibits is wrong. At least, law is supposed to be based on the morally right and to be bounded by reason. Furthermore, it is presumed to be certain—not to be set aside or varied by the whims of the individual without regard to the effect of his action upon others. Again, it is capable of enforcement. (Of course, I am dealing broadly with substantive law in its important aspects, and only touching in a small way upon legal rules of convenience or of procedure, which are beside the present argument.) In a sense, the vast body of law may be said to grow out of custom; but all customs are not law. The custom of slaying and eating enemies taken in war may have been very general for thousands of years, but never rose to the dignity of law, however toothsome, satisfying, and economical the practice may have been. The custom of the victor in war to take from the vanquished life, liberty, and territory, or to enslave him by debt, is nothing but a display of brute force, and not law and not sanctioned by law.

We may believe that in their peaceful relations there

is a law between nations capable of natural and righteous development. It is based upon reason and humanity; it has a backing of right; it recognizes that intercourse between nations should approximate such as exists between gentlemen. When it is fully developed in all its phases, it will prohibit one nation from taking advantage of another simply because it has the power to do so. It will recognize the indecency of a nation trying to elevate its nationals at the expense of the well-being of the citizens of other nations. Its ultimate end will be the application of as severe and perfect a justice between nations as our defective humanity will permit to exist between individuals. It will be the outgrowth of custom, in so far as custom is based upon ethical principle, and will be developed by treaties, the studies of writers of eminence and the utterances of jurists authoritatively placed.

Our internal, or national, law concerns itself with the promotion of justice between man and man within the State. The unit of international law will be a nation and not an individual, and its purposes will be to preserve justice between nations. This, it will finally discover, can best be accomplished by following the highest ethics of which we will be able to conceive. Such will be the international law of the future, but it will be a law absolutely and entirely based upon justice. It will understand that ideal peace excludes national economic conflict and is not limited to the rude clash of physical arms.

With this ideal of law we have confused what we wrongly call the laws of war. These so-called laws offer no moral considerations whatever. They rest necessarily upon destroying human lives in such manner as will entail the greatest advantage and the least come-back to the destroyers. For the latter reason particularly prisoners are not ordinarily killed. The retaliation might be unduly severe. The prime duty of a nation in the time of war is, we are told, to render the opposing nation helpless and force it to bow to superior strength. Any step to this end is moral and justifiable, as is thought by the perpetrators.

Advancement in developing the supposed laws of war is curious. We no longer torture a captive and eat him, food being more abundant. We burn him alive by flame-throwers or consume his flesh by gas. We argue among ourselves as to the comparative humanity of tearing a man to pieces by shrapnel or suffocating him. We are shocked by the conduct of the Indian who with a blow-gun propels a poisoned arrow toward his enemy, and we do not condemn the firing of shell which in exploding scatter about poisonous and destructive vapors. We even make in Hague conventions and otherwise solemn resolutions as to what methods shall be followed and then do as we please, because our resolutions have no basis in reason; do not advance the cause of humanity; are incapable of enforcement and present nothing of the spirit of law, although we give them the high-sounding title, "*laws of war.*"

We have deceived ourselves by the use of an inappropriate word. Our analysis has shown superficial, and even structural, resemblances between the laws of peace and the customs of war, and with a complete lack of discrimination the subtler things of the spirit have eluded us.

Time and again we have been told that international law has been broken during the recent war until the very name is a mockery. This is true only in the same sense that the word as applied to the customs of war was a mockery before the second of August, 1914. The hollowness of these customs as furnishing law, in any sense of the word, has been exposed by recent happenings if we do but consider the matter with ordinary care.

Heavy tomes have been written about violations of international law in the late war. Cities have been bombarded without notice; hostages exacted and slain; peaceful merchantmen sunk without warning, and a vast category of events occurred, forbidden according to authorities and against the resolutions (improperly dignified as conventions) of Hague conferences; Allies or Central Powers have been reproached, though they have but simply followed the ancient truth that men frantically mad have no conscience. We have forgotten that as long as we admit the propriety of outbursts of war we cannot place limits upon its manifestations. We might as well pass regulations for lunatics in their paroxysms and call them law.

And yet, to illustrate, real principles of international law were violated when Germany invaded Belgium to attack France. It was as if two neighbors, separated by the land of a third, had gotten into a quarrel, and one had torn down the intervening fence and destroyed the property of the third to attack his enemy in the rear. Still we may not denounce this act too severely. Germany was doing what she thought necessary for her success, treaty or no treaty. She was strictly following the teachings of the great god, Mars, and doing in a new way what in principle war for centuries has permitted. As a combatant she was laying down her own rules of conduct.

The invasion of Belgium was a little more or a little less of an infraction of the rights of an innocent nation than is a blockade. The latter prohibits the neutral who is not concerned in the quarrel from trading with the blockaded ports. The will of the country which has kept its head is subjected to the will of the mad nation. The essential wrong of the act of Germany in entering Belgium was not that she broke her undertaking to observe the neutrality of Belgium, but that she entered Belgium at all, the entry without leave being a violation of Belgium's right to control her own life.

Once we admit the rightfulness of war and the power of combatants to lay down their own rules of action to control neutrals, we cut from under us any ground of complaint of casual invasions of the territory of neutrals, such invasions being merely a particular form of disregard for the rights of others. We should not complain of the form of the act, but of the fundamental wrong.

This review may in some degree, let us hope, serve to call attention to the fact that the so-called laws of war are not laws; that they should not be so treated, and that if we would be on the side of the future we must recognize the customs of war as being violative, in practically all of their forms, of national and individual right, and therefore beyond the pale of legality.

THE NEED OF DISARMAMENT

TO RELIEVE THE EXHAUSTING STRAIN ON THE NATION'S ECONOMIC RESOURCES

By FRANK I. COBB, Editor of the "World"

The economic issues involved in the problem of disarmament are admirably summed up by Frank I. Cobb in the current *Atlantic Monthly*. This extract is republished by permission of the editor of that magazine.

Aside from the contents of this article—referred to in our last issue—and aside from the fact that it was printed in the *Congressional Record* of September 21, 1921, there is the further interesting fact that it has been reprinted by the Washington Government Printing Office and sent out under government frank. Sorry we cannot recall the Latin, but certainly the times have changed, and amid them we are changed also.—THE EDITORS.

AFTER a war that cost approximately \$348,000,000,000 in property and production, nobody quite knows the aggregate war budget of the nations. It has been variously estimated at from eight to ten billion dollars a year. If we take the smaller figure and capitalize it at the modest rate of 5 per cent, the amount is \$160,000,000,000, which means that, after extinguishing \$348,000,000,000 of the world's wealth, \$160,000,000,000 of what is left is now set aside to pay the reckoning and make ready for new wars.

It is needless to say that labor and industry cannot carry that burden, and when the Government attempts to sweat them to that extent it is defeating the very ends of national defense which it professes to serve. War is no longer a conflict between uniformed forces of professional combatants. It is a conflict of all the resources of the belligerents, of whatsoever kind and nature. What ended this war was the overwhelming economic force of the United States. What enabled Germany to fight all Europe to a standstill on two fronts was not its superior military establishment, but its superior economic system.

The German army was undoubtedly the most perfect military machine ever constructed by the genius of man, but it ditched itself within six weeks after the beginning of the war. All the elaborately contrived plans of the general staff were frustrated at the Battle of the Marne, after Von Kluck had outmarched his communications. The remainder of the war was a series of desperate attempts on the part of the German high command to adjust itself to conditions that it had never contemplated, and in the end it was the economic collapse of internal Germany which left Ludendorff's armies a defenseless shell. So much for military preparedness at its best and its worst.

While military experts are acrimoniously discussing the lessons of the war, the most important lesson attracts practically no attention on their part. It is the lesson that was demonstrated in its most dramatic form by the American intervention—that is, that economic resources can be easily and quickly translated into military resources; that a sound economic system is the essential element in any extensive military undertaking. But these resources are not interchangeable. Economic energy can be speedily converted into military energy, but military energy is not reconvertible into economic energy. Like the radiated heat of the sun, it is lost. It can never be reassembled and welded into another sun.